

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47

PORTLAND POLICE BUREAU
INTERNAL AFFAIRS DIVISION
Confidential Telephonic Taped Statement
Sergeant Michael Barkley #8570

Interview Date: July 24, 2007
IAD #: 2006-B-0016
Complainant: Portland Police Bureau

Interviewed: Susan Dunaway

BARCKLEY: This is Sergeant Michael Barkley with the Internal Affairs Division. The date and time are Tuesday, July 24th, 2007 at 0827 hours. I am calling Ms. SUSAN DUNAWAY, D-U-N-A-W-A-Y, Multnomah County Counsel at 503-988-3138 regarding the possible interview of Multnomah County Sheriff's Office Deputy THOMAS HOLLENBECK as a witness regarding IAD case number 2006-B-0016 regarding the in-custody death of JAMES CHASSE, C-H-A-S-S-E. Previously, I had spoken with two people, one being Multnomah County Detention Center Captain LINDA YANKEE at 503-988-3051. She referred me to Ms. DUNAWAY. Also previously, I had spoken to Multnomah County Sheriff's Office Internal Affairs Division Sergeant DAN STATON, S-T-A-T-O-N, at 503-988-4557, who indicated that the Multnomah County Sheriff's Office, Internal Affairs Division, has an open case pending involving the in-custody death of Mr. CHASSE, but that Multnomah County Counsel, Ms. SUSAN DUNAWAY, has possession of the investigation and has referred me to speak with her directly.

?: County Attorneys.

BARCKLEY: Yes, my name is Sergeant Michael Barkley. I'm with the Portland Police Bureau, Internal Affairs Division.

?: Yes, Sergeant. How can I help you?

BARCKLEY: I have been referred to Ms. SUSAN DUNAWAY...

?: Okay.

BARCKLEY: ...regarding an open IAD case with Multnomah County.

?: Hold on. Let me see if she's at her desk. Just a minute.

BARCKLEY: Thank you.

?: You bet. Hold on just a moment, Sergeant.

BARCKLEY: Thank you.

?: She was just walking through the door. Hold on, I'll put you through.

BARCKLEY: Okay. Thank you, very much.

?: You bet. You bet.

DUNAWAY: Hello.

BARCKLEY: Hello. Is this Ms. SUSAN DUNAWAY?

DUNAWAY: Yes, it is.

BARCKLEY: Yes, this is Michael Barkley. I'm a sergeant with the Portland Police Bureau, Internal Affairs Division.

DUNAWAY: Uh-huh.

CONFIDENTIAL TELEPHONIC TAPED STATEMENT

IAD #2006-B-0016

July 24, 2007

Portland Police Bureau / Dunaway

Page 2

48 **BARKLEY:** And I have been referred to speak with you by both the Multnomah County Detention
49 Center Captain LINDA YANKEE and Multnomah County Sheriff's Office, Internal
50 Affairs Division Sergeant DAN STATON.

51 **DUNAWAY:** Okay.

52 **BARKLEY:** And, are you aware of, of the inquiry I...

53 **DUNAWAY:** Vaguely, yeah.

54 **BARKLEY:** ...had been...

55 **DUNAWAY:** Yeah. I can't remember. You want to talk to somebody?

56 **BARKLEY:** Yeah. What we'd like to do is interview Multnomah County Sheriff's Deputy
57 THOMAS HOLLENBECK.

58 **DUNAWAY:** Okay.

59 **BARKLEY:** He was one of four Multnomah County Sheriff's Deputies that was present when Mr.
60 CHASSE was brought to the Multnomah County Detention Center.

61 **DUNAWAY:** Okay.

62 **BARKLEY:** And we'd like to interview him as a witness as to what specifically took place in the,
63 the timeline of what occurred from the time Mr. CHASSE arrived in the sally port
64 until he was transported from the Detention Center.

65 **DUNAWAY:** Well, this is, this is the thing is that HOLLENBECK could very well be named as an
66 individual defendant in this case. He is specifically mentioned both in the complaint
67 and in the discovery documents that we've gotten from plaintiff. So I'm a little bit
68 hesitant to have him make statements, um, at this point in time unless what you want
69 to do is ask him specific questions about specific actions that were taken by Deputy,
70 or, uh, Officer HUMPHREYS.

71 **BARKLEY:** Well, what, what I do have is the Multnomah County Sheriff's Office information
72 reports that were written by Deputy HOLLENBECK and the other three deputies plus
73 a number of reports, including like the on-duty sergeant at the time.

74 **DUNAWAY:** Right.

75 **BARKLEY:** But, the reports, um, are somewhat vague as to, you know, for instance, when Mr.
76 CHASSE arrived there in the Portland Police car. Were there any deputies that were
77 out there that met the Portland Police officer in the sally port or had the car arrive with
78 Mr. CHASSE and then they came out. What specifically did they observe. Was there
79 any physical force used in the sally port other than what's been described in these
80 reports.

81 **DUNAWAY:** Um, why do you want to question him? I mean this is an IAU investigation in regard
82 to Deputy (Officer) HUMPHREYS?

83 **BARKLEY:** Right. Well, no it's not, it's not just directed at Officer HUMPHREYS. It, you know,
84 in Internal Affairs, we review the entire case for any possible violations of Portland
85 Police Bureau directives, policies, and procedures. And the reason that we, at this
86 time, only want to interview Deputy HOLLENBECK as opposed to all four of them, is
87 we would like to ascertain whether or not there was any physical force used at that
88 facility. We'd like to know what specifically they observed in the way in which, uh,
89 Mr. CHASSE was handled and, you know, did, as I said earlier, did the police car
90 arrive in the sally port and then the deputies came out or were they in the sally port
91 when the car arrived to establish whether or not anything in the way of any physical
92 force was used other than at the 1300 Block of NW Everett.

CONFIDENTIAL TELEPHONIC TAPED STATEMENT

IAD #2006-B-0016

July 24, 2007

Portland Police Bureau / Dunaway

Page 3

93 **DUNAWAY:** Okay, well, I have not had a chance to meet with, with Deputy HOLLENBECK yet.
94 Um, I'll be meeting with Deputy HOLLENBECK in August because his, his
95 deposition is in September. I'm not going to allow you to interview him before I do.
96 **BARKLEY:** Okay.
97 **DUNAWAY:** Okay? So, um, let me see if I've got, if I've got a date yet. I know there were a
98 couple that were pretty hard to set. Um, and his deposition is set for September 13th.
99 **BARKLEY:** Our focus, as I said, is were there any violations of Portland Police Bureau policies
100 and procedures involving Portland Police officers.
101 **DUNAWAY:** Right.
102 **BARKLEY:** And we're not doing, we're not conducting an Internal Affairs investigation as to the
103 actions or conduct of Multnomah County employees or AMR, or the Portland Fire
104 Bureau. So that's what our focus is. And it is clearly not criminal.
105 **DUNAWAY:** Okay. Um, well, I don't know how it could be criminal since the Grand Jury already
106 went over all this, but I'm...
107 **BARKLEY:** Right. I'm just clarifying that.
108 **DUNAWAY:** Uh-huh. Um, I still don't want, I still don't want him to meet with you until I have a
109 chance to talk with him myself. I think you can understand that. He could be
110 individually named and, and the question, and if you do this investigation prior to his
111 deposition, then he is going to be asked about this during his deposition. And I would
112 rather it occurred after his deposition.
113 **BARKLEY:** Okay.
114 **DUNAWAY:** Okay? I, can you understand that?
115 **BARKLEY:** Sure.
116 **DUNAWAY:** Okay. So I'm not trying to be, I'm just, I'm not saying no or anything. And I certainly
117 understand why you need to do this investigation in terms of your officers. But I've
118 got to protect him as a client.
119 **BARKLEY:** Sure. I understand that.
120 **DUNAWAY:** Um, and, you know, we're, we're looking at four or five more individually named
121 defendants here. So, um, although I think I probably already know the answers to
122 your questions, I want to sit down with, with HOLLENBECK before you talk to him.
123 Um, depending on how that, that goes, um, it may be that I'll be able to produce him,
124 um, prior to his deposition. Um, but I've got to find out exactly what he's going to
125 say first. Because he's going to get asked about this during his, and I don't know if
126 that's good for any of the defendants. You know what I'm saying?
127 **BARKLEY:** To do what?
128 **DUNAWAY:** I don't know if it's good for any of the defendants for, um, for you to interview him
129 prior to his deposition and for him to have to talk to about that interview during his
130 deposition.
131 **BARKLEY:** Okay.
132 **DUNAWAY:** Okay?
133 **BARKLEY:** Well, yeah, if, you know, of course, you know, through discovery, you know, typically
134 although the Internal Affairs Division resists releasing, you know, any of our
135 documents or investigations, typically, you know, through the legal procedure as
136 you're aware that, you know, they typically do get them.

CONFIDENTIAL TELEPHONIC TAPED STATEMENT

IAD #2006-B-0016
Portland Police Bureau / Dunaway

July 24, 2007
Page 4

137 DUNAWAY: Get them anyway. Yeah. Right.
138 BARKLEY: You know, we have interviewed the two AMR paramedics with their attorneys
139 present.
140 DUNAWAY: Okay.
141 BARKLEY: And, you know, our last interviews obviously are directed at Officer HUMPHREYS
142 and...
143 DUNAWAY: Right.
144 BARKLEY: ...the other...
145 DUNAWAY: Right.
146 BARKLEY: ...and the other Portland Police officers who were at the location, at the 1300 Block of
147 NW Everett. But, no our purpose, as I said, in, in not wanting to interview all four
148 jailers that were present, but it seems as if HOLLENBECK was in a position to, to
149 observe possibly more than the other three.
150 DUNAWAY: Okay. All right.
151 BARKLEY: It doesn't seem, you know, from what I've read and, and the reports are, are somewhat
152 vague about the timeline and what specifically happened, it seems as if, by reading
153 these reports, he was more in a position to observe more than say the other three.
154 DUNAWAY: Okay.
155 BARKLEY: Opposed to actually having hands on.
156 DUNAWAY: Okay.
157 BARKLEY: Does that make sense?
158 DUNAWAY: Yeah, it does. Um, let me do this. I've got the, the liaison deputy, oh, for the
159 Sheriff's Office who is supposed to be setting up my interviews with all the deputies
160 prior to their deposition standing outside my door right now.
161 BARKLEY: Okay.
162 DUNAWAY: So, um, so let me get, let me get your number.
163 BARKLEY: Okay.
164 DUNAWAY: And it was Barkley, right?
165 BARKLEY: Yes. It's, it's Michael...
166 DUNAWAY: Michael.
167 BARKLEY: Barkley, B-a-r-k-l-e-y. And my direct number is 503-823...
168 DUNAWAY: Uh-huh.
169 BARKLEY: ...0984. Now, I understand that you have the actual Multnomah County Internal
170 Affairs Division case?
171 DUNAWAY: Uh, I mean am I defending the, the County in the case?
172 BARKLEY: No, no, no. I understand that there is an open Internal Affairs investigation through
173 Multnomah County and that you, in fact, are in possession of that. Is that correct?
174 DUNAWAY: Well, there is no, no. I'm, I mean I have, I don't, the only thing I have is the, is the, is
175 the big report that was done kind of jointly.
176 BARKLEY: Okay.
177 DUNAWAY: That, that, that might be what they're referring to. It's the same one you have.
178 BARKLEY: Oh, okay.
179 DUNAWAY: Yeah. That's all I have.
180 BARKLEY: That's...

CONFIDENTIAL TELEPHONIC TAPED STATEMENT

IAD #2006-B-0016
Portland Police Bureau / Dunaway

July 24, 2007
Page 5

181 DUNAWAY: Yeah.
182 BARKLEY: ...that's the sense I got also.
183 DUNAWAY: Right. Yeah. There was, uh, I mean all there was here was since, I can tell you
184 straight out there was no use of force in the jail really, except to actually carry him in
185 and carry him out. I'm sure you must have the video.
186 BARKLEY: Yeah, the video...
187 DUNAWAY: You've got the video, okay.
188 BARKLEY: ...but there is no video of the sally port.
189 DUNAWAY: No, there is not.
190 BARKLEY: So, and, and, and that is, that's one of the loose ends that we'd like to clear up.
191 DUNAWAY: Right.
192 BARKLEY: There is no video of the sally port so, therefore, you know, we don't have the luxury
193 of looking at the video saying okay, gee, look at that. The police car got here. It was
194 out there for like five minutes, ten minutes, before the Multnomah County Sheriff's
195 deputies came out to the car. See we don't know that.
196 DUNAWAY: Uh-huh. Okay.
197 BARKLEY: And we're interested in what, what took place, if anything...
198 DUNAWAY: Okay.
199 BARKLEY: ...regarding Mr. CHASSE and the Portland Police officers, specifically in that sally
200 port, which is not videotaped.
201 DUNAWAY: Right, okay. All right. Um, and no, there wasn't, there was an HIR in regard to the
202 use of force by BURTON. Um, but you probably have that too.
203 BARKLEY: Correct.
204 DUNAWAY: Right. Okay. All right. And that, and that's all the documents...
205 BARKLEY: Okay.
206 DUNAWAY: ...at this point.
207 BARKLEY: Is there an open pending Multnomah County Internal Affairs Division investigation?
208 DUNAWAY: Um, not that I'm aware of.
209 BARKLEY: Okay.
210 DUNAWAY: No, not that I'm aware of.
211 BARKLEY: Okay, well, I'll tell you what. If you could give me a call back at your earliest
212 convenience when you feel comfortable with wherever you're at in the process. I'd
213 appreciate that.
214 DUNAWAY: Right. After I talk to HOLLENBECK.
215 BARKLEY: Sounds good.
216 DUNAWAY: All right? And I am trying to set up those meetings right now.
217 BARKLEY: Okay, sounds great.
218 DUNAWAY: Good timing. Okay. I'll talk...
219 BARKLEY: Okay.
220 DUNAWAY: ...I'll give you a call.
221 BARKLEY: Thank you very much.
222 DUNAWAY: Okay. 'Bye, 'bye.
223 BARKLEY: 'Bye, 'bye.
224

CONFIDENTIAL TELEPHONIC TAPED STATEMENT

IAD #2006-B-0016
Portland Police Bureau / Dunaway

July 24, 2007
Page 6

225 **BARKLEY:** The time is 0842 hours.
226
227 2006-B-0016TRS-DUNAWAY
228 Transcribed 072407/1535 C. Yeager

COPY